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ABSTRACT

The issues of sex discrimination and student pregnancy and parenting are addressed in this guide, which attempts to provide schools covered by Title IX (or other interested agencies) with assistance in identifying and eliminating biased or discriminatory practices. First, Title IX is discussed, with particular focus on its specific references to pregnancy and parenting and its outline of ways in which schools cannot discriminate against pregnant or parenting students or employees. Other laws prohibiting discrimination on the basis of pregnancy or sex are summarized briefly. Next, a step-by-step guide is provided for assessing equitable treatment. A detailed process is outlined for evaluating equity in the four major areas where school-based discrimination against pregnant and parenting students is most commonly found: (1) admission to programs and activities; (2) treatment in regular programs and activities; (3) treatment in special or separate schools, classes, programs, and activities; and (4) availability and quality of pregnancy-related health services. Two appendices contain the actual wording of the major portions of the Title IX regulations that deal with pregnancy and parenting, and charts for assessing equity in programs, policies, and services. (KH)

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TEENAGE PREGNANCY & PARENTING

Evaluating School Policies & Programs from a Sex Equity Perspective

by

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Paper Prepared for
Adolescent Pregnancy and Parenting:
A Statewide Partnership for School Involvement

A Conference Sponsored by the
Council of Chief State School Officers
Resource Center on Sex Equity

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January 1984

Discrimination Prohibited: No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance, or be so treated on the basis of sex under most education programs or activities receiving federal assistance.

The activity which is the subject of this report was produced with assistance from grants by the Carnegie Corporation of New York and the U.S. Department of Education (under the auspices of the Women's Educational Equity Act). Opinions expressed herein do not necessarily reflect the position or policy of the Carnegie Corporation or the Department, and no official endorsement should be inferred.

Preface

Much of the material in this guide was developed through the Health Equity Project, which Margaret Dunkle directed from 1980 to 1982. This project was formed to identify issues regarding sex discrimination in school-based health services and to suggest strategies for change. It was funded by the Women's Educational Equity Act Program of the U.S. Department of Education.

Because the Health Equity Project addressed only health-related issues, it dealt only with sex-discriminatory issues regarding pregnancy--not with parenting. This revised guide addresses both issues--pregnancy and parenting--and attempts to provide educational institutions covered by Title IX (or other agencies concerned about sex discrimination in their treatment of pregnant and parenting adolescents) with assistance in identifying and eliminating biased or discriminatory practices. While efforts to eliminate barriers to education for pregnant and parenting students should not end with Title IX, evaluating Title IX compliance may be a good starting point.

This expansion of the original material was made possible by grants from the Carnegie Corporation of New York and the U.S. Department of Education (Women's Educational Equity Act Program) to the Resource Center on Sex Equity of the Council of Chief State School Officers. The firm of Brown & Dunkle worked with the Resource Center to develop this project and is currently working collaboratively as a subcontractor to implement it.

This current version of the guide is a working draft. We hope to improve it based on feedback from participants in the conference on adolescent pregnancy and parenting and from others. Please assist us in this effort by completing the "Feedback Questionnaire" at the end of the guide and returning it to the Resource Center.

Margaret Dunkle
Co-Director, The Equality Center
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and
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Council of Chief State School
Officers
January 1984

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INTRODUCTION

- A New Jersey student said: "If a girl is pregnant, she can't participate in graduation ceremonies." Another said: "This girl that was pregnant wasn't allowed by the sponsor of the National Honor Society to march in the induction ceremony."

- A Hispanic student reported that administrators "don't let pregnant girls stay in school. They kick them out. I guess they think they set a bad example, but I'm not sure why."

- Another noted that a pregnant girl was removed from the basketball team: "Even after she had her baby, they wouldn't let her play. She's still the best player around, though."

- A New York City public school student, at a highly selective school, commented on the invisibility of pregnant teens: "I've never seen a pregnant girl at my high school. I don't know if they are kicked out or what. There must be a lot of fooling around and I don't think everyone who gets pregnant has an abortion. Maybe they are just 'discouraged' from staying in school by the teachers and administrators.

- A pregnant thirteen-year-old in Virginia told staff at the teen health clinic that she did not like sex, but that she did it partly because boys expected it. She said, "to be honest, I would rather have been playing basketball, but I didn't have any tennis shoes."

- After one handicapped student enrolled in a special program for pregnant students in California and a special education teacher was assigned to work with her, the program administrator reported that "disabled pregnant girls just seemed to come out of the woodwork."

- A West Coast high school runs an infant care center in conjunction with a city high school. In order to use the child care services, a teenage mother must spend an hour a day at the center taking care of her infant and taking courses (such as child development) which are electives for other students.

- A 1981 report by the Rand Corporation found that some school administrators regard visibly pregnant students as "morally inferior as well as intellectually and socially disadvantaged. . . . For example, one junior high school principal said, 'A diploma will make no difference to these girls.'"

Pregnant teens and preteens are, almost by definition, students in elementary and secondary schools. At least, they are students until they drop out of school, as many do. Parenting adolescents are less often students, even though their need for education and training in order to support themselves and their children may be even greater than that of other students not facing early parenthood.

Overt discrimination against pregnant students and teenage parents (especially "unwed mothers") was the norm when Title IX of the Education Amendments of 1972 was enacted. For example, a government report published in that year revealed that less than a third of the country's school districts offered pregnant students any education at all. Most students who were not expelled were either kept at home or segregated in special programs. Of those students who left school, 85 percent never returned. [Implementing Title IX, 1976, p. 832]

In response to Title IX's overall mandate for nondiscrimination, and the specific prohibitions in its regulation against pregnancy discrimination, most schools halted blatant discriminatory practices. However, as the above post-1980 examples demonstrate, many school policies and practices continue to limit educational opportunities for pregnant and parenting students.

Today, although discriminatory practices are not as prevalent as they once were, it is not uncommon for school policies or practices to limit the opportunities of those students who remain in school--by, for example, subtly pressuring pregnant students to enroll in a special program which may not be appropriate for their needs, or denying them access to school honors and activities. Sometimes these practices are the result of an official action by a school administrator or the school board; other times they are put in place on an ad hoc basis by an individual teacher, counselor or administrator. In any event, the school has the responsibility under Title IX to remedy practices which discriminate against pregnant students.

Pregnancy among teens is on the increase and more pregnant teens are keeping their children. In fact, if current trends persist, by 1984 over forty percent of 20-year-old females will have given birth to a child or had an abortion or a miscarriage. [Tietze, 1978, p. 206]

Most pregnant elementary and secondary students still drop out of school, often with prompting from their teachers or counselors. Eighty percent of those who drop out never return and over 25 percent become pregnant again within a year. [PHS/HEW, 1979, pp. 5-9 and Furstenberg, 1976, p. 141] Of those who stay in school, many are transferred to special programs or special schools for pregnant teens. Sometimes their schools coerce or order students to enroll in these programs, even though doing that is illegal. Some of these programs are first-rate;

even some of the poor quality programs keep pregnant teens from becoming dropouts. Still, most offer limited and inferior educational programs and have few or no extracurricular opportunities. Also, some of these programs group pregnant teens with "problem students"--juvenile delinquents, students who are discipline problems, and alcohol and drug abusers.

Even when they stay in regular school programs, pregnant teens and teenage mothers are often treated differently than teenage fathers or other students. They report being told they couldn't participate in graduation exercises, being excluded from clubs and other extracurricular activities, and being permanently barred from sports teams.

Teenage parenthood limits the education of the mothers and, to a much lesser extent, the fathers. This makes intuitive sense and is supported by study after study. One longitudinal study, conducted by Josefina J. Card and Lauress L. Wise, found that a woman who had her first child by age 18 was half as likely to earn her high school diploma as a woman who waited to have children. Young fathers were about 70 percent as likely to get their high school diplomas. [Card, 1981, p. 220]

These figures are especially staggering since they were gathered from "matched samples"--that is, the adolescent parents had the same level of academic ability, the same racial and socioeconomic background, and even the same expectations regarding college. The only major difference was parenthood.

The age at which a woman has her first child is closely correlated with the likelihood that she will be living in poverty. Over 30 percent of women who have their first child before age 16 have incomes below the poverty level, compared to 14 percent of all women. The figures are even more striking for black women, where close to half of these young mothers have poverty incomes. [Trussell, 1981a, pp. 258-59]

Many teenage mothers, with limited skills, an interrupted education and small children to clothe and feed, depend on public assistance for support. In 1975 about half of the $9.4 billion invested in the federal Aid to Families with Dependent Children Program (AFDC) went to families in which the woman had given birth while a teenager. About 60 percent of women in families receiving AFDC payments had given birth as teenagers, compared to about one-third of women not receiving aid. About 25 percent of teenage mothers currently receive AFDC payments. Not surprisingly, families headed by young mothers are seven times more likely to be poor than other families. [AGI, 1981b, pp. 32, 33]

The seriousness of the consequences of teenage pregnancy and parenthood, and the fact that pregnant teens are virtually always elementary and secondary school students, make the issue of how schools treat pregnant students an important social issue--one

which would deserve the attention of educators even if Title IX's prohibitions against sex discrimination did not exist.

TITLE IX AND DISCRIMINATION AGAINST PREGNANT AND PARENTING STUDENTS

Title IX of the Education Amendments of 1972 prohibits sex discrimination against students and employees in federally assisted education programs. The key section of Title IX states:

> No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

The regulation spelling out the specific requirements of Title IX was issued in 1975 by the federal Department of Health, Education, and Welfare. When the Department of Education was created, the regulation was recodified. [OCR/ED, 1980a] The regulation covers virtually every aspect of education--admission, treatment of students in programs and courses, and employment.

Any school, college or other organization that receives federal education funds in the form of a grant, loan or contract (other than a contract of insurance or guaranty] is required to comply with the provisions of Title IX. This includes kindergartens, vocational schools, junior and community colleges, four-year colleges, universities, and graduate and professional schools. State and local governments, profit and nonprofit groups, and other people or organizations which accept federal education funds are covered by Title IX. Private as well as public institutions are covered by the law if they accept federal education funds.

Major responsibility for enforcing Title IX lies with the Office for Civil Rights (OCR) of the U.S. Department of Education. If an institution does not comply with the law, the government may delay awards, revoke current awards, or refuse to grant future awards. In addition, the Justice Department may bring suit at the Department of Education's request.

Individuals who believe that they have faced illegal sex discrimination can file a formal complaint with OCR, sue the school directly (bypassing the federal administrative enforcement procedures), or utilize the internal grievance procedures that the Title IX regulation requires institutions to establish. Because the law prohibits sex discrimination across the board, it protects the rights of male as well as female students.

The federal government, in enforcing Title IX and other laws prohibiting discrimination, has traditionally interpreted the law's prohibition against discrimination broadly, on the theory that federal funds should not be used to subsidize discrimination either directly or indirectly. Recently, however, the government has argued for a more limited interpretation of Title IX. The

U.S. Supreme Court is currently considering this issue [Grove City v. Bell] and is expected to provide some clarification on the issue in a decision in the spring of 1984.

The Pregnancy And Parenting Provisions in Title IX

Under Title IX, school treatment of pregnant and parenting students raise a number of important issues. The issues are not always identical for pregnant and parenting students, however. The most obvious difference is that pregnancy discrimination applies to female students only, but discrimination on the basis of parental status can affect both female and male students. At the same time, in practice apparently neutral policies regarding all parenting students often have a disproportionate effect on female students for a number of reasons: the period of pregnancy makes motherhood observable and mothers more likely to be identified, the fathers of children born to teenagers may be older themselves, child care responsibilities are most often assumed by the mother of the child.

The Title IX regulation contains several specific references to pregnancy, outlining specific ways in which schools cannot discriminate against pregnant students or employees. In addition, the general language of the regulation prohibiting sex discrimination provides wide protections for pregnant students. Important provisions of the regulation regarding pregnancy are included in their entirety in Appendix A and are summarized below:

- A school cannot discriminate in admission on the basis of pregnancy, childbirth, termination of pregnancy or recovery.*
- Once admitted, a school cannot discriminate against a pregnant student in classes, programs, or extracurricular activities.
- As a general rule, a school must treat pregnancy like it treats other temporary physical disabilities. For example, medical and health plans, and health insurance policies offered through the school, must treat pregnancy like other temporary disabilities in all respects.
- While a school may offer separate classes or activities for pregnant students, it cannot force or coerce

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*As a general rule, whenever "pregnancy discrimination" is prohibited by Title IX, so is discrimination on the basis of childbirth, termination of pregnancy and recovery. The reader should assume that these other conditions are included whenever pregnancy is mentioned in this guide.

pregnant students to participate in these classes: participation must be completely voluntary and pregnant students must be permitted to stay in the regular classroom if they so choose.

- Any separate programs or classes for pregnant students must be comparable to those available to other students.

- A school can require certification from a physician that a pregnant student is physically and emotionally able to participate in classes and other activities only if it makes the same requirements of other students with medical conditions.

- A school must grant medical leave for pregnancy, even if it does not have an official leave policy, if the pregnant student's doctor says that it is medically necessary. After this leave, the pregnant student must be reinstated to the status she had when the leave began.

Regarding parenting, the Title IX regulation prohibits schools from discriminating on the basis of parental or marital status. Schools may not apply rules concerning a student's actual or potential parental, family or marital status which treat students differently on the basis of sex. For example, a school which denied unwed mothers, but not unwed fathers, participation in school activities (such as the National Honor Society or school-sponsored clubs) would violate Title IX. In addition, an apparently neutral policy (such as excluding both adolescent mothers and fathers from school activities) would disproportionately affect teenage mothers and consequently would be likely to constitute a Title IX violation.

Other Laws Prohibiting Discrimination on the Basis of Pregnancy or Sex

In some cases other federal and state provisions also provide protections from discrimination on the basis of sex, pregnancy and/or parenting. For example, in 1981 Congress added provisions to several of the federal health and social services block grants prohibiting sex-discriminatory services. Block grants which contain these provisions include Primary Care, Alcohol and Drug Abuse and Mental Health Services, Head Start, Maternal and Child Health, and Social Services.

In addition to federal safeguards against discrimination, many states have laws or other provisions which make sex discrimination in the delivery of health services illegal. A few states (such as Montana and Pennsylvania) have specific laws against sex discrimination in the delivery of health services. States with state Equal Rights Amendments have constitutional prohibitions against sex discrimination in all areas, including

health services. The public accommodations laws in some states (such as Maryland, the District of Columbia, Iowa and California) apparently include at least some health facilities as public accommodations which cannot legally discriminate or deny services on the basis of sex. And some state insurance laws (such as those in Arizona, Michigan and Maryland) contain specific provisions which make at least some forms of differential policies or benefits for women and men illegal.

By and large, neither the 1981 federal provisions in the block grants nor the state provisions have been clarified by regulations, litigation or administrative precedents.

* * * * * * * * * * *

All of these provisions--Title IX, other federal protections and state laws--provide a strong incentive for schools and other institutions to assess programs and policies to eliminate those which have the effect of discriminating against pregnant and parenting adolescents. In addition, a review of ongoing programs from a sex equity perspective can provide a good opportunity to assess the overall quality and adequacy of services to these students.

A STEP-BY-STEP GUIDE FOR ASSESSING SEX-EQUITABLE TREATMENT OF PREGNANT AND PARENTING STUDENTS

The following pages outline a detailed process for evaluating school treatment of, and services to, pregnant and parenting students from a sex equity perspective. The purpose of this review is to identify problem areas under Title IX and to suggest solutions. At the same time, the reader should keep in mind that complying with the letter and spirit of Title IX (an antidiscrimination statute) will not in itself make the educational environment hospitable to this vulnerable population. Other activities and efforts--such as affirmatively training counselors and teachers to respond to the problems these young people face, and coordinating health and child care services with other agencies--are likely to be necessary to address effectively the problems raised by pregnant and parenting students. Hopefully this assessment will also help in these complementary efforts to improve the learning environment and educational opportunities of these students.

As the previous chapter pointed out, the Title IX provisions regarding pregnancy and parenting are not identical. The pregnancy discrimination provisions are virtually absolute, prohibiting discriminatory treatment. On the other hand, the parenting provisions (i.e., marital and parental status) are relative. That is, at a minimum Title IX prohibits schools from applying rules concerning parental, family or marital status if they treat students differently on the basis of sex. At the same time, although there are no Title IX cases on the issue, policies or practices which disproportionately effect female students (as most policies regarding parenting would) are subject to challenge under Title IX. In addition, courts which have addressed the constitutionality of rules excluding or expelling pregnant students or student mothers who are not married from school on the basis of their parental and/or marital status have invalidated the rules on equal protection or due process grounds.*

Given this context, a school is on the most firm ground legally, as well as educationally, if it takes steps to assure that policies, rules and practices do not treat married or parenting students differently than other students. For these reasons, and to simplify the collection of information, this

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*These cases include Shull v. Columbus Municipal Separate School District, Ordway v. Hargraves, Farley v. Reinhart, and Perry v. Grenada Municipal Separate School District. At the same time, because the reasoning of the courts have varied among the various cases and the plaintiffs have not claimed sex discrimination in most of these cases, it is difficult to predict exactly how the courts will treat constitutionally-based cases in actions brought under Title IX or claiming unconstitutional discrimination on the basis of sex. [Campbell, 1983, pp. 2-13 - 2-15]

guide will, for the most part, discuss pregnancy and parenting issues in tandem, rather than separately.

School-based discrimination against pregnant and parenting areas appears most commonly in four major areas:

- Admission of pregnant and parenting students to programs and activities;
- Treatment of pregnant and parenting students in regular programs and activities;
- Treatment of pregnant students in special or separate schools, classes, programs and activities (if there are any); and
- Availability and quality of pregnancy-related health services.

These four types of discrimination are most frequently found at the elementary and secondary school level. A fifth type of discrimination, providing less coverage for pregnancy than for other conditions in student health insurance policies, is primarily an issue at the postsecondary level and is consequently not discussed here.

The following pages provide guidance regarding how to obtain information to determine if pregnant and parenting students are receiving equal opportunity. Appendix B, "Charts for Assessing Equity in Programs, Policies and Services," is designed to be used to facilitate the collection and analysis of this information. (Appendix B begins on page 41.) Appendix A outlines the specific Title IX provisions regarding pregnant and parenting students.

Admission of Pregnant and Parenting Students to Programs and Activities

Title IX prohibits admissions discrimination on the basis of pregnancy. To determine if there is discrimination against pregnant and/or parenting students, try to gather information about the extent of the problem of teenage pregnancy at the school or in the district. Sources of information include school and health records, as well as interviews and observation.

These figures may be relatively soft approximations. It may be impossible to obtain precise figures about the number of pregnant teenagers because of limitations in the information the school keeps. Also, legitimate concerns about the privacy rights of pregnant students require that names of individual students not be readily available. At the same time, it is important to develop some idea of the number of students who become pregnant each year and what happens to them in order to identify school

policies and practices which either discriminate against pregnant or parenting students or (on the positive side) encourage them to continue their education.

Questions number one and two ask for some fairly detailed information regarding the number of pregnant students and what happened to them. (For example, did they stay in the regular classroom, drop out of school, etc.?) While much of this information may not be available, it is useful to estimate the figures to get an idea of the extent of the problem. Therefore, ask:

1. How many pregnant students:

a. Remained in the regular classroom and program?

b. Remained in regular classroom/program, but also enrolled in special courses/programs?

c. Enrolled in a separate special school, program, or class?

d. Received home instruction?

e. Were expelled or suspended?

f. Dropped out of school?

g. Other. Specify.

h. Don't know.

i. Total pregnant students.

Start by estimating the TOTAL number of pregnant students who carried the fetus to term (item i). Then estimate the number of students who fell into each category. If the number in the "don't know" category (item h) is sizable, then the first step is find out what in fact happens educationally to pregnant students.

Conversations with counselors, physical education teachers and local health clinic personnel should be especially helpful in getting a rough idea of the total number of pregnant students each year. In addition, enrollment data for special schools and programs and data compiled by the local health department on births, etc. can be useful.

Even though these figures will probably be imperfect, attempting to compile them will both provide a general sense of

the scope of the problem and raise the issue with other organizations, agencies and individuals.

If pregnant students were expelled or suspended because of pregnancy (item e), there is a Title IX problem: this is a violation. In addition, if all or most pregnant students enrolled in a special school or program (item c), or dropped out of school (item f), there may well be a problem with the school pressuring or coercing these students to leave the regular classroom.

In assessing equity, it is important to get a general idea of what happens to the students after they deliver their child:

2. After childbirth, how many students:

a. Returned to, or stayed in, the regular classroom/program?

b. Stayed in a special class/program?

c. Did not return to school?

d. Other. Specify what.

e. Don't know.

f. Total

If students stayed in or returned to the regular classroom or program (item a), there is almost certainly no Title IX problem. If students stayed in a special class or program (item b), a Title IX violation is possible (if, for example, these students faced barriers when they attempted to return to the regular classroom). If the student did not return to school (item c), there may be Title IX violations (if, for example, special restrictions were placed on these students).

In addition, even if there are no Title IX violations, if the dropout rate (item c) is high, or if schools "don't know" (item e) what happened to these students, a review of school policies and practices may be in order. This review could go beyond Title IX to identify both obstacles to continued education (such as lack of child care or health services) and ways to work with community agencies to encourage the continued education of young parents.

Pregnant and parenting students are often denied access, or granted only limited access, to the range of programs, courses and activities offered by the school. To determine if this is a problem, ask:

3. Are pregnant and/or parenting students admitted to programs and activities of the school on the same basis as other students?

To answer this question, look at written policies and talk with both students and school personnel.

If pregnant and parenting students are admitted to all activities, classes and programs on an equal basis with other students, then there is not an admission problem. If, however, the answer to this question is NO, a problem exists. To determine how severe the problem is and to compare the treatment of pregnant students to students with other temporary disabilities and male students, obtain the following information:

3(a). Describe any formal or informal admissions rules, policies or practices which treat pregnant and/or parenting students differently; specify who imposed them; and list the reasons given to justify them.

Possible sex-discriminatory differences include such things as:

- Pregnant or parenting students are expelled;
- They are suspended;
- They must enroll in a special program or class;
- They are required to have special counseling;
- Treatment depends on the marital status of the students (e.g., married students are allowed to enroll in classes; unmarried students are not);
- They cannot enroll in certain classes, such as advanced placement or honors classes; and
- They have to have a tutor or home instruction.

Also:

3(b). Regarding pregnancy, describe any comparable admissions restrictions on students with other temporary disabilities.

Note that restrictions against students with disabilities might violate the law prohibiting discrimination against the handicapped, Section 504 of the Rehabilitation Act. However, most often there are not similar restrictions on students with other temporary disabilities.

Treatment of Pregnant and Parenting Students in Regular Programs and Activities

Title IX specifically requires schools not to discriminate on the basis of pregnancy in the way they treat students once they are enrolled. Further, the regulation prohibits sex discrimination in any rules concerning a student's actual or potential parental, family or marital status.

As a starting point in evaluating whether or not the institution discriminates in its treatment of students on the basis of pregnancy or parenting, review policies and materials obtained earlier, and conduct interviews as needed, to answer the questions 4 and 5:

> 4. Are <u>pregnant</u> students treated the same as other students in all programs and activities of the school, including extracurricular activities?

If the answer to this question is YES, then there is not a problem with discriminatory treatment of pregnant students in school programs and activities. If, however, the answer is NO, provide the following information:

> If NO, describe any formal or informal rules, policies or practices which treat pregnant students differently; specify who imposed them; and list the reasons given to justify them for the following areas:
>
> a. Treatment in courses and programs.
>
> b. Grades.
>
> c. Honors and academic recognition.
>
> d. Financial aid and scholarships.

e. Student records, recommendations, job placement and counseling.

f. Extracurricular activities.

g. Access to school-provided and school-facilitated health services.

h. Other discriminatory treatment. Specify.

Similarly, identify any differential or discriminatory treatment of parenting students in these areas. Note also if parenting students are treated differently on the basis of marital status (for example, are single parents subject to special restrictions?)

5. Are parenting students treated the same as other students in all programs and activities of the school, including extracurricular activities?

If the answer to this question is YES, then there is not a Title IX problem. If the answer is NO, there may be a problem and it is necessary to provide additional information:

If NO, describe any formal or informal rules, policies or practices which treat parenting or married students differently; indicate if they either overtly treat female and male students differently, and if apparently sex-neutral policies disproportionately limit opportunities for female students.

a. Treatment in courses and programs.

b. Grades.

c. Honors and academic recognition.

d. Financial aid and scholarships.

e. Student records, recommendations, job placement and counseling.

f. Extracurricular activities.

g. Access to school-provided and school-facilitated health services.

h. Other. Specify.

Policies which overtly treat male and female students differently violate Title IX. In addition, apparently sex-neutral policies (especially those regarding parenting) may also violate Title IX because they disproportionately limit opportunities for female students.

Following is a more complete description of types of different and discriminatory treatment of pregnant and parenting students.

a. Treatment in courses and programs

Even if a school admits pregnant or parenting students to programs without discrimination, it is possible that the school, and individual teachers, counselors and administrators in the school, discriminate against these students once they are admitted. Possible manifestations of differential treatment are:

- Being excluded from certain courses and programs (such as the honors program or advanced placement classes);
- Having additional requirements imposed before being able to take a class (such as requiring a medical certification that is not required of other students with temporary physical disabilities);
- Being harrassed or ridiculed in the classroom because of pregnancy or parenthood;
- Telling pregnant students that they can not substitute another course for physical education, even though students with other temporary disabilities receive such permission; and
- Being excluded from laboratory courses, even though there is no medical justification for exclusion.

b. Grades

Regarding grades, discriminatory treatment could include:

- Receiving a lower or failing grade in physical education or other classes (while, for example, students with other temporary disabilities or family responsibilities are allowed to substitute activities or repeat the course at a later date); and

- Having more stringent conditions for making up missed work or assignments.

c. Honors and academic recognition

If a school restricts the eligibility of a pregnant student for any honors or academic recognitions, it is violating Title IX. For example, schools have limited opportunities for pregnant and parenting students by restricting their eligibility for:

- Membership or offices in academic or professional honor societies (e.g., National Honor Society, Phi Beta Kappa);

- Being on the honor roll, dean's list, etc.;

- Being valedictorian, salutatorian, presidential scholar, or receiving other recognition for outstanding academic achievement.*

- Competing for and receiving other academic prizes or awards (e.g., "Best Math Student").

d. Financial aid and scholarships

Discrimination against students in this important area could include such things as being declared ineligible for scholarships from the school or school-assisted scholarships for postsecondary education, special workshops, conferences, etc. Additionally, if the school considers the student's pregnancy in making financial aid decisions in such a way as to limit her access to financial aid, it is a violation of Title IX. Parenting students, because of their responsibilities for their child or children, have greater need of financial aid than their non-parenting peers. Most systems for determining the size of need-based financial aid awards recognize this and allow such costs as child care and maintenance to be considered in calculating the size of awards.

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*Note that different treatment in this area could include such things as not being allowed to present a valedictory address or being excluded from the graduation ceremony, as well as being denied an honor all together.

e. Student records, recommendations, job placement and counseling

Schools sometimes discriminate against a pregnant student in this respect by, for example:

- Placing negative comments about such things as the academic ability or moral character of the student in her school record because of her pregnancy, motherhood or marital status;
- Refusing to provide the student with a recommendation for either continued education or employment, or providing an unjustified negative recommendation solely because of pregnancy;
- Refusing to place students in, or recommend the student for, jobs they can perform solely because of their pregnancy; and
- Counseling a student to enroll in inappropriate programs, or to apply to inappropriate postsecondary schools because of pregnancy.

Similar treatment of parenting students which fell disproportionately on female students or "unwed mothers" would most likely constitute a violation of Title IX.

f. Extracurricular activities

It is not uncommon for schools to discriminate against pregnant and/or parenting students with regard to extracurricular activities, both in allowing students to participate and in how students are treated once admitted. Following are some examples of how this discrimination might manifest itself:

- Pregnant or parenting students are barred from being members of clubs or from participating in such activities as class trips and class plays;
- They cannot be student government representatives or officers;
- They cannot be student representatives on the board of regents, school committee, etc.;
- They cannot be club or class officers;
- They cannot run for other positions, such as prom or homecoming queen or court member;
- They cannot be on the ballot for "class favorites," such as "Most Likely to Succeed";
- They cannot participate in graduation ceremonies;

- They cannot participate in sports and athletic teams and events (even when there is no medical reason to exclude them);
- They cannot participate in other school-sponsored or school-related events; and
- They cannot participate in extracurricular activities at all (or they cannot participate unless they receive a physician's certificate, even though this is not required of other students with temporary physical disabilities).

g. Access to school-provided and school-facilitated health services
This could include denial of use of the infirmary or health room.

h. Other discriminatory treatment
Other discriminatory treatment could include such things as:

- Uneven or selective application of disciplinary measures to pregnant or parenting students;
- Forbidding, or requiring, pregnant students to take study halls; and
- Treating absences for doctors visits due to pregnancy or health care for the child differently than other medical absences.

Another way in which a school might discriminate against a pregnant student is to make fewer or less appropriate accommodations for her than it does for students with other disabilities. Therefore, ask:

> 6. Are the accommodations the school makes for the physical disabilities due to pregnancy and the symptoms of pregnancy comparable to those the school makes for other temporary disabilities?

If the answer is "NO," then look further to see how these accommodations differ for pregnant students.

> 6(a). If NO, describe how the accommodations are inadequate and/or more restrictive for pregnancy.

Some of the symptoms of pregnancy do not have immediately obvious parallels in other conditions. While the following listing of some common conditions or symptoms of pregnancy is necessarily imperfect because of this, it is included to provide some common sense guidance on this issue. Next to each pregnancy-related symptom is a non-pregnancy-related similar symptom, and some ways in which the school might reasonably accommodate the symptom.

Condition or Symptom of Pregnancy	Comparable Disability	Examples of Reasonable Accomodations
Fatigue during the first 12 weeks of pregnancy	Tiredness because of mononucleosis	Allow student flexibility in scheduling if possible. Have a room available for the student to rest (such as the first aid room).
Nausea and morning sickness the first months of pregnancy	Food poisoning or an ulcer or gastrointestinal flu	Allow excused absences, Make arrangements so student can leave the room quickly with minimal disruption (such as a permanent hall pass). Make provisions for the student to make up missed work
Frequent urination in pregnancy	Bladder infection	Make arrangements so student can leave the room with minimal disruption (such as a permanent hall pass).
Lack of mobility in later months of pregnancy	Sports injury, such as a sprained ankle, where the student is on crutches; or arthritis which causes mobility problems.	Provide an elevator pass. Allow the student to leave classes and other activities 5 minutes early. Excuse the student from physical education classes or other vigorous activity.
Recovery from normal child-birth	Recovery from a serious infection	Allow excused absences. Provide an elevator pass. Excuse student from physical education classes and other vigorous activity.
Recovery from a Caesarean section or difficult delivery	Appendectomy or other surgery	Allow excused absences. Provide an elevator pass. Excuse student from physical education classes and other vigorous activity.
Post partum depression	Post operative depression after, for example, minor surgery.	Allow excused absences. Provide counseling.
Doctors or medical visits necessary before and after the birth	Medical visits necessary before and after any surgery or illness.	Allow excused absences. Allow student flexibility in scheduling if possible.

The final questions overlap somewhat with previous questions. However, they are included because the Title IX regulation specifically addresses each issue. A NO answer to any question most likely constitutes a Title IX violation.

> 7. If the school requires pregnant students to have a doctor's certification before they can participate in any class or activity, are the same requirements for medical certification made of all other students with conditions requiring the attention of a physician?

There are three possible answers:

- Does not apply, since medical certification is not required for any condition.
- Yes, medical certification requirements are the same for pregnant students as for other students.
- No, medical certification requirements are different.

If the answer is NO, then:

> 7(a). Describe the pregnancy requirements and how they differ.

It would be discriminatory for example, if a school policy required medical certification of pregnant students, but no other students, in order to participate in a field trip.

Also, find out what the medical leave policy is regarding pregnant students. Ask:

> 8. Does the school give pregnant students leave for as long as is medically necessary?
>
> a. If NO, describe any limitations on this leave.

The Title IX regulation requires that schools grant a medical leave for pregnancy, even if they do not have an official policy on this issue.

Similarly, find out if pregnant students are free to return to school at the end of their pregnancy (a condition specifically outlined in the Title IX regulation):

9. At the end of the leave, are pregnant students reinstated to the status which they held when the leave began?

a. If NO, describe what does happen when these students return.

Treatment of Pregnant Students in Special or Separate Schools, Classes and Programs

Title IX specifically allows separate programs and classes for pregnant students as long as they are comparable to other programs. The regulation is silent on separate programs for parenting students. Many junior and senior high schools operate special programs for pregnant students.

There is a specific reference to this issue in the legislative history of the law. Senator Birch Bayh, the "father" of Title IX, said that the law:

> . . . would allow enforcing agencies to permit differential treatment by sex only [in] very unusual cases where such treatment is absolutely necessary to the success of the program--such as in classes for pregnant girls or emotionally disturbed students, in sports facilities or other instances where personal privacy must be preserved. [Senate, 1972, p. S2747]

That is, it appears that different treatment on the basis of sex is permitted only if it is "absolutely necessary to the success of the program."

Of the students who stay in school, rather than drop out, many enroll in "special programs" or special schools for pregnant teens. Having, or not having, these programs is not in itself an indication that the school is in violation of Title IX or providing inadequate opportunities for pregnant students. For example, a school district with no special program (but with sensitive and well-trained teachers and counselors) could well provide better services for pregnant teens than a "special school" with inadequately trained teachers located in an inconvenient location or a building which was inaccessible to disabled students.

Because there are many potential equity problems in separate programs and schools, they need to be examined carefully in light of the educational needs and rights of students. To begin an examination:

10. List each special class, program or school available to pregnant students.

This could include:

- Separate schools;
- Special courses or programs within the regular school;
- Extra or supplementary programs which provide pregnant teens with information about such things as nutrition and child care; and
- Other formal or informal courses or programs.

You should be able to obtain this information from school publications, as well as discussions with students, administrators and teachers.

The Title IX regulation specifically says that participation by a pregnant student in any separate or segregated activity must be completely voluntary on her part. Therefore, for each program, ask:

11. Is participation for pregnant students completely voluntary (or is it required or strongly encouraged by the school)? Describe any school pressures to enroll.

If participation is not completely voluntary, there is a Title IX problem.

Next, in order to determine if the program is specifically for pregnant students, or for a larger range of students:

12. Describe any other students who are also in the program and give the approximate number of each category.

The range here is substantial. For example, pregnant students may be grouped in classes or special programs for:

- Parenting students;
- Disabled emotionally disturbed students;
- Students who are discipline problems;
- Alcohol and drug abusers; or

- Students with such problems as absenteeism, truancy, vandalism, or violence.

Indicate if parenting students may continue in the program after childbirth and, if so, for how long. It may not be in the educational interest of the student to force her to leave a special program shortly after childbirth, as many programs do.

If there are students other than pregnant students in the school or program, but the pregnant students are segregated in special sections or classes, describe the situation. Also, indicate if the proportion of minority or disabled students is higher than the overall proportion in the school system. If so, there might be problems with discrimination on the basis of race and/or handicap (which is prohibited by Title VI of the 1964 Civil Rights Act and Section 504 of the Rehabilitation Act of 1973).*

To assess comparability with the regular school program:

> 13. Describe any special services provided in conjunction with these programs.

For example, special services could include:

- Counseling;
- Health monitoring;
- Child care;
- Transportation;
- Assistance in working with social service or other community agencies; and
- Any other special services.

Offering important support services only to pregnant students who enroll in special schools or programs could have the effect of limiting a student's educational choices even more than her pregnancy has already. With this in mind, it is useful to attempt to identify ways to provide these services (either directly or by coordination and referral) to students who remain in the regular classroom as well.

Next, examine the content or curriculum of each separate program or class for comparability, including regular academic

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*On the other hand, if there are no physically disabled students in the program because it is not physically accessible, there are problems with discrimination on the basis of handicap.

courses, special courses and other programs. Compare these courses and programs in the special class or school to those available in the regular school or program. In some special programs, for example, prenatal exercise is the only physical education opportunity available. [Zellman, 1981a, p. 38]

Compare these special courses and programs to programs offered to non-pregnant students.

> 14. Describe any ways in which programs offered pregnant students are not comparable to those offered other students.

Although Title IX requires that the instructional program be comparable, it is not unusual for it to differ in any variety of ways, such as:

- A smaller range of courses (for example, college preparatory or honors classes may not be available to pregnant students);
- Different or additional course options or requirements.*
- Less qualified instructors;
- The virtual absence of extracurricular activities;
- Academic credit not being given for some courses (including courses required of the pregnant students); and
- Special rules or regulations applying to the pregnant students.

Describe and explain any way in which the instruction is not comparable and disadvantages pregnant students. Note that Title IX does not prescribe any curriculum: that is decided by the school. However, Title IX does prohibit "noncomparable" instruction for pregnant students.

And finally:

> 15. Provide other relevant information.

This could include:

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*A number of special high schools offer optional courses, such as sex education and child care, for pregnant teens which are not available to nonpregnant teens either male or female. This does not violate Title IX as long as these courses are optional.

- Descriptions of any extra or special costs to the students;
- Information about the organization or governance of the school in order to identify what person or entity has the power to change policies;
- Information about cooperative relationships with health and social service agencies; and
- Information about the history of the program (when it was established; who took the lead in establishing it; etc.).

Availability and Quality of Pregnancy-Related Health Services

Title IX does not require schools to provide extensive health services for pregnant students. Rather, by forbidding discrimination on the basis of pregnancy, the regulation requires that the health needs of pregnant students be met to the same extent as the school meets the health needs of students with other temporary disabilities.

Because of concern for the health of both the young mother and her child, some schools, especially at the secondary school level, go somewhat further than this, providing more services for pregnant students than for the general student body. This is especially evident at special schools for pregnant teens, where prenatal health services are incorporated into the program.

To determine if there are problems regarding the health services provided to pregnant students:

16. Describe any health-related services to pregnant students which the school provides and estimate the number of students who used these services last year.

a. None

b. Referrals to private and community health services,

c. Counseling,

d. Pregnancy tests,

e. General prenatal care,

f. Maintain health charts,

g. Lamaze instruction or exercise,

h. Followup care after delivery or termination of pregnancy,

i. Other. Specify.

Providing these services, either directly or by referral, would appear to be encouraged by Title IX. One caution is in order, however: limiting eligibility to married students is not permissable.

Next, identify any ways in which the services the school provides for pregnancy are not comparable to services provided for non-pregnancy-related disabilities.

17. Provide any other useful information regarding health services for pregnant students and those provided for other conditions.

Possible differences in health services are: the cost of pregnancy-related services is higher than other services; their location is less convenient; and the hours of the services are more limited.

Although meaningful differences are possible here, many schools provide better services for pregnant students than for other students, a practice which is not forbidden by Title IX.

* * * * * * * * * * *

In summary, it is important to examine four major areas when assessing Title IX compliance in the areas of pregnancy, and parenting:

- Admission of pregnant and parenting students to programs and activities;
- Treatment of pregnant and parenting students in regular programs and activities;
- Treatment of pregnant students in special or separate schools, classes or programs; and
- Availability and quality of pregnancy-related health services.

Evaluating programs and practices for sex equity under Title IX can help schools to eliminate discrimination against pregnant and parenting students. These activities can be an important piece of the solution to the complex problems posed by pregnant

and parenting students. At the same time, simply complying with Title IX leaves many important areas, such as the lack of child care and pregnancy-prevention efforts, untouched. It is hoped that the Title IX evaluation described in this guide will, by drawing attention to the special needs of these students, encourage changes which go beyond Title IX -- from affirmative outreach programs to these students, to cooperative arrangements with health and social service agencies to provide other services they may need.

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Appendix A

WHAT THE TITLE IX REGULATION SAYS ABOUT PREGNANT & PARENTING STUDENTS

The following pages contain the actual wording of the major portions of the Title IX regulation that deal with pregnancy and parenting:

- Treatment of pregnant students;
- Treatment of parenting students;
- Admission of pregnant and parenting students;
- Health and insurance benefits and services;
- General prohibitions against sex discrimination; and
- Specific prohibitions against sex discrimination.

These provisions, taken together, provide strong protections for pregnant and parenting students against sex discrimination (including pregnancy discrimination).

TREATMENT OF PREGNANT STUDENTS

Title IX prohibits schools from discriminating against pregnant students, whether they are married or unmarried. Also, institutions cannot discriminate against a student because of childbirth, false pregnancy, termination of pregnancy, or recovery from these conditions. The regulation:

- Prohibits sex discrimination in classes, programs and extracurricular activities;
- Permits a school to require a doctor's certificate from a pregnant student only if it makes the same requirement of all other students with physical or emotional conditions needing a physician's care;
- Allows schools to have separate programs for pregnant students, as long as participation is completely voluntary and the instructional program is comparable to the regular school program;
- Requires that the school treat pregnancy like other temporary disabilities; and
- Requires a school to grant a pregnant student medical leave if her doctor says it is medically necessary.

§ 106.40 Marital or parental status.

(b) *Pregnancy and related conditions.* (1) A recipient shall not discriminate against any student, or exclude any student from its education program or activity, including any class or extracurricular activity, on the basis of such student's pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom, unless the student requests voluntarily to participate in a separate portion of the program or activity of the recipient.

(2) A recipient may require such a student to obtain the certification of a physician that the student is physically and emotionally able to continue participation in the normal education program or activity so long as such a certification is required of all students for other physical or emotional conditions requiring the attention of a physician.

(3) A recipient which operates a portion of its education program or activity separately for pregnant students, admittance to which is completely voluntary on the part of the student as provided in paragraph (b)(1) of this section shall ensure that the instructional program in the separate program is comparable to that offered to non-pregnant students.

(4) A recipient shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom in the same manner and under the same policies as any other temporary disability with respect to any medical or hospital benefit, service, plan or policy which such recipient administers, operates, offers, or participates in with respect to students admitted to the recipient's educational program or activity.

(5) In the case of a recipient which does not maintain a leave policy for its students, or in the case of a student who does not otherwise qualify for leave under such a policy, a recipient shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom as a justification for a leave of absence for so long a period of time as is deemed medically necessary by the student's physician, at the conclusion of which the student shall be reinstated to the status which she held when the leave began.

TREATMENT OF PARENTING STUDENTS

Schools cannot discriminate on the basis of marital or parental status. They cannot, for example, exclude unwed pregnant teens from school because they are not married.

§ 106.40 Marital or parental status.

(a) *Status generally.* A recipient shall not apply any rule concerning a student's actual or potential parental, family, or marital status which treats students differently on the basis of sex.

ADMISSION OF PREGNANT AND PARENTING STUDENTS

The regulation also prohibits admissions discrimination on the basis of marital or parental status, or pregnancy, childbirth termination of pregnancy, or recovery therefrom.

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§ 106.21 Admission.

(c) *Prohibitions relating to marital or parental status.* In determining whether a person satisfies any policy or criterion for admission, or in making any offer of admission, a recipient to which this subpart applies:

(1) Shall not apply any rule concerning the actual or potential parental, family, or marital status of a student or applicant which treats persons differently on the basis of sex;

(2) Shall not discriminate against or exclude any person on the basis of pregnancy, childbirth, termination of pregnancy, or recovery therefrom, or establish or follow any rule or practice which so discriminates or excludes;

(3) Shall treat disabilities related to pregnancy, childbirth, termination of pregnancy, or recovery therefrom in the same manner and under the same policies as any other temporary disability or physical condition; and

(4) Shall not make pre-admission inquiry as to the marital status of an applicant for admission, including whether such applicant is "Miss" or "Mrs." A recipient may make pre-admission inquiry as to the sex of an applicant for admision, but only if such inquiry is made equally of such applicants of both sexes and if the results of such inquiry are not used in connection with discrimination prohibited by this part.

HEALTH AND INSURANCE BENEFITS AND SERVICES

The Title IX regulation contains specific prohibitions against discriminating in a medical, hospital, accident or life insurance benefit, service, policy or plan. For elementary and secondary school offering health insurance policies to students, the regulation requires that services related to pregnancy be treated in the same manner as other temporary disabilities.

§ 106.39 Health and insurance benefits and services.

In providing a medical, hospital, accident, or life insurance benefit, service, policy, or plan to any of its students, a recipient shall not discriminate on the basis of sex, or provide such benefit, service, policy, or plan in a manner which would violate Subpart E of this part if it were provided to employees of the recipient. This section shall not prohibit a recipient from providing any benefit or service which may be used by a different proportion of students of one sex than of the other, including family planning services. However, any recipient which provides full coverage health service shall provide gynecological care.

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The reference to the provisions in the employment section of the regulation refers to the specific standards regarding fringe benefits, marital status, parental status and pregnancy (found in §106.57 and §106.58 of the regulation).

Regarding health insurance benefits to employees, both Title IX and Title VII of the 1964 Civil Rights Act require that employers which provide health insurance benefits to their employees cover the cost of pregnancy the same as other medical conditions in their group health insurance benefit plans.

GENERAL PROHIBITIONS AGAINST SEX DISCRIMINATION

In addition to explicit provisions forbidding sex discrimination on the basis of pregnancy, marital status and parental status, the regulation generally prohibits any form of sex discrimination by recipients of federal financial assistance -- that is, by schools, colleges and other entities receiving federal education funds.

§ 106.31 Education programs and activities.

(a) *General.* Except as provided elsewhere in this part, no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by a recipient which receives of benefits from Federal financial assistance. This subpart does not apply to actions of a recipient in connection with admission of its students to an education program or activity of (1) a recipient to which Subpart C does not apply, or (2) an entity, not a recipient, to which Subpart C would not apply if the entity were a recipient.

SPECIFIC PROHIBITIONS AGAINST SEX DISCRIMINATION

The regulation continues to spell out specific prohibitions against sex discrimination.

§ 106.31 Education programs and activities.

(b) *Specific prohibitions.* Except as provided in this subpart, in providing any aid, benefit, or service to a student, a recipient shall not, on the basis of sex:

(1) Treat one person differently from another in determining whether such person satisfies any requirement or condition for the provision of such aid, benefit, or service;

(2) Provide different aid, benefits, or services or provide aid, benefits, or services in a different manner;

(3) Deny any person any such aid, benefit, or service;

(4) Subject any person to separate or different rules of behavior, sanctions, or other treatment;

(5) Discriminate against any person in the application of any rules of appearance;

(6) Apply any rule concerning the domicile or residence of a student or applicant, including eligibility for in-state fees and tuition;

(7) Aid or perpetuate discrimination against any person by providing significant assistance to any agency, organization, or person which discriminates on the basis of sex in providing any aid, benefit or service to students or employees;

(8) Otherwise limit any person in the enjoyment of any right, privilege, advantage, or opportunity.

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Note that the last item (number eight) is a fail-safe provision, covering anything not specifically mentioned in the regulation. This is important to remember regarding health services, where many important and frequently provided services are not discussed in detail in the regulation.

Appendix B

CHARTS FOR ASSESSING EQUITY IN PROGRAMS, POLICIES AND SERVICES

These charts correspond to the questions and issues raised in the section of this publication entitled "A Step-by-Step Guide to Assessing Sex-Equitable Treatment of Pregnant and Parenting Students." The text of this section provides detailed guidance in obtaining and analyzing information.

ADMISSION OF PREGNANT & PARENTING STUDENTS TO PROGRAMS & ACTIVITIES

1. How many pregnant students:

   a. Remained in the regular classroom and program? _____

   b. Remained in the regular classroom/program, but also enrolled in special courses/programs? _____

   c. Enrolled in a separate special school, program or class? _____

   d. Received home instruction? _____

   e. Were expelled or suspended? _____

   f. Dropped out of school? _____

   g. Other. Specify _____

   _____ _____

   h. Don't know. _____

   i. Total pregnant students _____

2. After childbirth, how many students:

   a. Returned to, or stayed in, the regular classroom/program? _____

   b. Stayed in a special class/program? _____

   c. Did not return to school? _____

   d. Other. Specify _____

   _____

   e. Don't know. _____

   f. Total _____

3. Are pregnant and/or parenting students admitted to programs and activities of the school on exactly the same basis as other students?

   _____ Yes _____ No

   If No:

   a. Describe any formal or informal admissions rules, policies or practices which treat pregnant and/or parenting students differently; specify who imposed them; and list the reasons given to justify them.

   _____

   _____

   _____

   _____

   b. Regarding pregnancy, describe any comparable admissions restrictions on students with other temporary disabilities.

   _____

   _____

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TREATMENT OF PREGNANT & PARENTING STUDENTS IN REGULAR PROGRAMS & ACTIVITIES

4. Are pregnant students treated the same as other students in all programs and activities of the school, including extracurricular activities?

____ Yes ____ No

If No, describe any formal or informal rules, policies or practices which treat pregnant students differently; specify who imposed them; and list the reasons given to justify them for the following areas:

a. Treatment in courses and programs _____

_____

b. Grades _____

_____

c. Honors and academic recognition _____

_____

d. Financial aid and scholarships _____

_____

e. Student records, recommendations, job placement and counseling _____

_____

f. Extra curricular activities _____

_____

g. Access to school-provided and school facilitated health services ____

_____

h. Other discriminatory treatment. Specify _____

_____

5. Are parenting students treated the same as other students in all programs and activities of the school, including extracurricular activities?

____ Yes ____ No

If No, describe any formal or informal rules, policies or practices which treat parenting students differently; indicate if they overtly treat female and male students differently and if apparently sex-neutral policies disproportionately affect female students in the following areas:

a. Treatment in courses and programs _____

_____

b. Grades _____

_____

c. Honors and academic recognition _____

_____

d. Financial aid and scholarships _____

_____

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5. (Cont.)

e. Student records, recommendations, job placement and counseling _____

_____

f. Extracurricular activities _____

_____

g. Access to school-provided and school-facilitated health services ____

_____

h. Other. Specify _____

_____

6. Are the accommodations the school makes for the physical disabilities due to pregnancy and the symptoms of pregnancy comparable to those the school makes for other temporary disabilities?

_____ Yes _____ No

If No, describe how the accommodations are inadequate and/or more restrictive for pregnancy.

_____

_____

_____

7. If the school requires pregnant students to have a doctor's certification before they can participate in any class or activity, are the same requirements for medical certification made of all other students with conditions requiring the attention of a physician?

_____ Does not apply, since medical certification is not required for any condition.

_____ Yes, medical certification requirements are the same for pregnant students as for other students.

_____ No, medical certification requirements are different for pregnancy.

If No, describe the pregnancy requirements and how they differ.

_____

_____

_____

8. Does the school give pregnant students leave for as long as is medically necessary?

_____ Yes _____ No

If No, describe any limitations on this leave.

_____

_____

_____

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9. At the end of the leave, are pregnant students reinstated to the status which they held when the leave began?

_____ Yes _____ No

If No, describe what does happen when these students return.

_____

_____

_____

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TREATMENT OF PREGNANT STUDENTS IN SPECIAL OR SEPARATE SCHOOLS, CLASSES & PROGRAMS

10. List each special class, program or school available to pregnant students.	11. Is participation for pregnant students completely voluntary (or is it required or strongly encouraged by the school)? Describe any school pressure to enroll.	12. Describe any other students who are in the program and give the approximate number in each category (including parenting students).	13. Describe any special services provided in conjuntion with these programs.	14. Describe any ways in which programs offered pregnant students are not comparable to those offered other students.	15. Provide other relevant information.

AVAILABILITY & QUALITY OF PREGNANCY-RELATED HEALTH SERVICES

16. Describe any health-related services to pregnant students which the school provides and estimate the number of students who used these services last year.

    a. None _____

    b. Referrals to private and community health services _____

    c. Counseling _____

    d. Pregnancy tests _____

    e. General prenatal care _____

    f. Maintain health charts _____

    g. Lamaze instruction or exercise _____

    h. Follow-up care after delivery or termination of pregnancy _____

    i. Other. Specify _____

    _____ _____

17. Provide any other useful information regarding health services for pregnant students and those provided for other conditions.

_____

_____

_____

_____

_____

FEEDBACK QUESTIONNAIRE

Please help us improve the usefulness of this guide by completing the following short questionnaire. Please return this questionnaire to:

Feedback Questionnaire
Resource Center on Sex Equity
Council of Chief State School Offices
Suite 379
400 North Capital Street, N.W.
Washington, D.C. 20001

1. What is your occupation?

   a.___ State education official. Specify title _____

   b.___ Local education official. Specify title _____

   c.___ Health care provider/official. Specify title _____

   d.___ Social services provider/official. Specify title _____

   e.___ Other. Please specify _____

2. Did you find the paper clear, well organized and easy to understand?

   a.___ Yes

   b.___ No

   c.___ Indicate any improvements you think should be made _____
   _____
   _____

3. Please identify any important omissions, factual errors or misleading statements.

4. Describe how you have used (or plan to use) this guide. (RESPOND TO ALL THAT APPLY.)

   a.___ to EVALUATE OR CHANGE POLICIES, such as _____
   _____

b.___ to EVALUATE OR IMPROVE PROGRAMS AND SERVICES for pregnant and parenting teenagers, such as _____

c.___ to TRAIN STAFF regarding problems, legal rights and issues. Specify whom. _____

d.___ to EDUCATE OR INFORM OTHERS about the issues. Specify whom. _____

e.___ to EDUCATE MYSELF about the issues.

f.___ OTHER. Please specify. _____

g.___ I DO NOT PLAN TO USE THIS GUIDE because _____

5. Please provide any additional comments or suggestions which would help us make the Guide more useful.

END

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